

## **REMARKS**

Claims 1-5, 8-14, 17-22, 24-25, and 28-30 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the objections and rejections in view of the amendments and remarks contained herein.

## **CLAIM OBJECTIONS**

Applicant has non-narrowingly amended Claims 3, 8, 21, 24, 25 and 30 to overcome the Examiner's objections. Therefore, Applicant requests that the Examiner withdraw these objections and allow each of the claims.

## **SPECIFICATION OBJECTIONS**

The Examiner appears to object to the use of "macro-grooves" in Claims 1, 8, and 18-21. Nevertheless, Applicant submits that the originally filed application included the term "macro-grooves". The term is described in the specification, particularly in Paragraphs 29 and 33. The term "macro-grooves" may be a surface feature included on a liner. Therefore, Applicant submits that the term "macro-grooves" is appropriate in light of the originally filed specification.

Therefore, Applicant requests that the Examiner withdraw the objection to the specification in regard to Claims 1, 8, and 18-21.

## **CLAIM OBJECTIONS UNDER 35 U.S.C. §103**

Claims 1-5, 8-14, 17-19, 21-22 and 28-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman et al. (U.S. Patent No. 5,879,404) in view of Asthana et al. (U.S. Patent Application Publication No. 2003/0175488). Claim 20 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman et al. in

view of Asthana et al. and Shelley and further in view of Sherman (U.S. Patent No. 4,936,855). Applicant respectfully traverses these rejections.

Applicant asserts there is no teaching or motivation in the cited art to combine Bateman et al. with Asthana et al or Shelley to render obvious each of the elements of independent Claims 1, 11, 19, and 21 as presently pending, along with the associated dependant claims. Asthana et al. relates to multi-layer articles comprising a coating layer of arylate chain members bound to a substrate. Generally, the layer is a protective layer, for various protective applications and uses, such as weather protection for car panels. Contrary to this, both Bateman et al. and Shelley relate to biocompatible implants, such as acetabular implants. Similarly, each of the presently pending independent Claims relates to an acetabular or acetabulum implant. Therefore, Applicant submits that combining a weatherable coating, for industrial applications such as car panels, with an acetabular implant does not appear to be taught or suggested in the art, as is there no motivation or teaching to combine these various disclosures.

Moreover, Shelley appears to teach to provide a groove 16 which includes a symmetrical groove that will provide a prevention of rotation to a plastic insert 6 while in a metal shell 2. Therefore, the groove 16 is formed into the metal shell to include a sharp edge or lip that will provide a high resistance to insert movement. Again, neither Bateman et al. or Asthana et al. appear to teach providing a mechanism to reduce movement of an insert that is not affixed to, but only set in a metal shell. Moreover, Bateman et al. appears to teach providing a liner fixed to a shell while Asthana et al. teaches neither a liner or a shell. Therefore, there appears to be no teaching or suggestion in the art to combine Shelley with Bateman et al. or Asthana et al.

Each of the presently pending claims include a roughness or groove formed on or a method for fixing a thermal plastic relative to a ceramic insert. Applicant asserts that this is not obvious in light of Shelley which provides forming a groove or other high resistance portion that may obstruct the movement of a plastic liner within a metal shell.

Therefore, Applicant submits that the combination of Bateman et al., Asthana et al. and Shelley does not appear to be taught or motivated by the art. In particular, as the Examiner notes, Bateman et al. does not teach providing a surface of a modular liner that includes a selected roughness or groove. Asthana et al. teaches forming a weatherable coating for an industrial process or panel, such as a car panel, but in no way teaches or suggests providing a coating to an implant of any type. Therefore, it does not appear to be taught or suggested in the art to combine Asthana et al. with Bateman et al. In addition, there is not teaching or motivation in the art for Shelley to be combined with Bateman et al. or Asthana et al. Shelley teaches that the liner is substantially separate from a metal cup, therefore requiring a groove or other substantially sharp and symmetrical portion, such as the groove 16, to limit movement of the liner within the metal shell. Therefore, Shelley does not teach providing a liner that includes a backing thereon or fixing a liner to a cup. Applicant submits that each of the independent Claims 1, 11, 19, and 21 are in condition for allowance, including each of the claims dependent directly or indirectly therefrom, and ask the Examiner to allow the same.

In regard to Claim 20 reciting: "a composite acetabular component, comprising: a ceramic insert member ... a biocompatible thermoplastic backing member molded onto the outer surface of the ceramic insert member ... wherein the outer surface of the

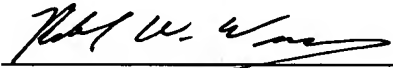
ceramic insert is provided with a micro-roughness and a plurality of longitudinally oriented macro-grooves” does not appear to be taught in Bateman et al, Asthana et al., or Shelley, either in combination or alone. Therefore, Applicant submits that it is improper to combine each of the these references with Sherman to teach each of the elements in independent Claim 20. Even if Sherman teaches a prosthetic hip implant, none of the other references teach or suggest, either alone or in combination, each of the elements of independent Claim 20. Applicant submits that it not a minor substitution of parts for Sherman to disclose each the elements of independent Claim 20. Therefore, Applicant submits that independent Claim 20 is in condition for allowance and Applicant requests that the Examiner allow the same.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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